

## PLEASE DO NOT USE PHOTOCOPIES OF THE FORM

All details must be typed.

It is no longer necessary to post each bid separately.

No duplicates are required.

Bids submitted on behalf of tenderers must be by fully authorised agents.

## DEADLINES AND PROCEDURES

26. Tenders must be received by 5 p.m. on the due date by the Registrar, Import Licence Tendering, Department of Trade and Industry, P.O. Box 3146, Wellington. Tenders must be mailed to the above address or delivered by hand to the First Floor Reception, Bowen State Building, Wellington. **Envelopes must be clearly marked ANZCERT Import Licence Tender on the bottom right hand corner.** Hand deliveries may be made between 8.30 a.m. and 5 p.m., Monday to Friday, except public holidays. In the event of a tie for licence units, the lowest winning bids will be selected by the computer programme on a random basis. Tenderers may withdraw or amend their tenders if they notify the Registrar of Tenders in writing prior to the opening of tenders.

## ADVICE AND PUBLICATION

27. Following the closing of tenders, bids will be publicly opened in the department in Wellington in the presence of a Justice of the Peace. The bids are not opened in tender number order and for this reason and the volume of bids received, these are no longer read out. Tenderers will be individually notified by letter and Invoice. Computer printouts of all results are sent to the regional offices of the department. The name and location of all tenderers, successful, unsuccessful and invalid, and the amount bid in each case, will be published in the *Gazette* as soon as possible after the opening of tenders.

## PAYMENT OF THE SUCCESSFUL BID

28. An enterprise which has been successful in obtaining a licence may not withdraw its bid. The enterprise in submitting a tender has in effect entered into a contract with the department and must fulfil its obligation to pay the sum tendered. The amount bid by an enterprise will be payable to the Department of Trade and Industry, Wellington, from the date of the invoice notifying success. The bid must be paid before the licence can be issued from Head Office, Trade and Industry and no later than 6 months after the date of the invoice. Payment should be made to the Finance Officer, Department of Trade and Industry, Private Bag, Wellington. Payment by bank cheque ensures prompt attention. Payment by other means normally entails a delay of 15 working days for payments to be cleared through the financial channels.

## STATUTORY OBLIGATIONS

29. The issue of an import licence under the tendering scheme will in no way affect the obligation of the tenderer to comply with other relevant statutes and regulations. See the Import Licensing Schedule.

## (B) GUIDELINES FOR MANUFACTURERS APPLYING FOR A SHARE OF THE MANUFACTURERS' EXCLUSIVE AUSTRALIAN LICENCES (MEALS) FOR THE 1984/85 IMPORT LICENSING PERIOD

1. 1983/84 MEAL holders had the opportunity to take up a prorated 12-month 100 percent entitlement inflation-adjusted for the 1984/85 import licensing period. Any entitlements not taken up in individual codes, plus the 10 or 15 percent increase in each item code (in terms of the ANZCERT access formulae detailed in Article 5 of ANZCERT) will be advertised in the *New Zealand Gazette* towards the end of February/early March 1984.

**NOTE: An application period of 4 weeks from the date of publication in the *New Zealand Gazette* will apply.**

2. At that time manufacturers in applying for a share of the new MEALS in 1984/85 will be required to provide the following information:

- Only producers of goods within a specific item code are eligible for licences under that item code.
- Item Code under which licence is sought. (Separate submissions should be made for each item code).
- Brief description of products to be imported.
- Amount of licence sought. The maximum entitlement per manufacturer is 25 percent of total EALs in an item code, i.e., 50 percent of the MEALS, and the minimum entitlement is \$5,000.
- Value of production for the domestic market of goods within the item code in the company's last financial year valued at ex-factory prices, excluding freight. Production for export must be excluded. It is very important that the value of production figure should not be overstated. If it is subsequently found to be overstated the company will face the risk that its licence could be revoked.

- Details of plans/proposals the company may have to establish a rationalisation/complementation relationship with an Australian company.

- NOTES:
- (i) In cases where the actual manufacture of goods is carried out by one company on behalf of another, the eligibility for manufacturers' licences will generally be considered to lie with the principal who is responsible for initiating production and for marketing the goods.
  - (ii) In cases where guideline (c) applies (see ANZCERT MEAL rules below) the figure for total domestic production of goods in the item code to be used by the department in making decisions on allocation is the total production by those companies which apply for a share of manufacturers' EALs.
  - (iii) The names and value of licences issued to each company, item code by item code, will be published.

- State if you are a new applicant, i.e., state whether or not you currently hold MEALS for the 1983/84 licensing period. The allocation of MEALS to manufacturers who do not hold MEALS in 1983/84, will be considered within the constraints of the additional licence available under MEALS for 1984/85.

3. The following rules apply to MEAL applications:

(a) Licence will be issued against undertakings from a manufacturer:

(i) to use any MEAL fully (the manufacturer must use the licence himself);

(ii) to use it in a way consistent with the principles of CER, viz: rationalising existing production by substituting Australian imports for higher cost domestic lines or by complementing existing licences.

(b) Applicants should be able to demonstrate that they have arranged a source of supply in Australia. Such details will not be sought before licences are issued. In the event that applicants do not arrange a source of supply on a reasonable commercial basis and this appears likely to prevent utilisation of the total access provided through the manufacturers' EALs, the two countries will consult with a view to resolving the problem.

(c) If more licence is sought than is available in an item code, the available licence will be allocated according to shares of total domestic production and the strength of the undertakings manufacturers have given.

If a manufacturer finds during the year that he cannot use a licence he will be permitted to surrender the licence for reallocation without penalty within the first half year, i.e., by 31 December 1984.

(d) Any licence entitlement not used by a manufacturer in any year will be transferred permanently to the tendering pool.

(e) Portions of manufacturers' licences which have not been used at the end of the licence period will be carried over to the following period and added to the tendering pool for that period.

(f) As a general rule, no single manufacturer, including its subsidiaries and associates, will be entitled to receive more than 25 percent of EALs in an item code from the manufacturers' allocation.

(g) No single manufacturer, including its subsidiaries or associates, which receives part of the manufacturers' allocation, will be entitled to tender. In exceptional circumstances, applications for departure from this rule will be considered, but will be subject to consultation with Australia.

(h) In cases where there is a small number of producers applying for a share of the manufacturers' EALs in an item code a manufacturers' proportion may be increased beyond the 25 percent limit but this will be approved only in cases where manufacturers have an outstanding case on rationalisation/complementation grounds and subject to consultation with Australia.

(i) Applications for a share of MEALS in the 1985/86 import licensing period will be reviewed in the light of performance according to (a) (i) and (ii). Licences for the third year and subsequent years will be adjusted for inflation.

(j) In general the minimum size of licences will be \$5,000.

(k) There may be cases where the share a manufacturer receives does not allow rationalisation/complementation to proceed as quickly as desired. Provision has been made for additional licences (Rationalisation/MEALS) to be made available in such cases under guidelines designed to ensure satisfactory rationalisation occurs and to prevent the recipient gaining an undue commercial advantage over competitors. The guidelines are set out in the Import Licensing Policy Schedule. Copies of the guidelines plus the applicants' guide are available on request from General Industries (2), Department of Trade and Industry, Wellington.